

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

_____	:	
IRA BLOOM,	:	
	:	
Petitioner	:	CIV. ACTION NO. 19-21982(RMB)
v.	:	
	:	MEMORANDUM AND ORDER
UNITED STATES OF AMERICA and	:	
WARDEN DAVID E. ORTIZ,	:	
	:	
Respondents	:	
_____	:	

This matter comes before the Court upon Petitioner Ira Bloom's motion for reconsideration of the Court's Order dismissing his petition for writ of habeas corpus under 28 U.S.C. § 2241 for lack of jurisdiction. (Mot. for Reconsideration, Dkt. No. 4.) Petitioner is incarcerated in the Federal Correctional Institution in Fort Dix, New Jersey, serving a federal sentence imposed by the United States District Court, District of Connecticut. (Pet. ¶4, Dkt. No. 1.) In his petition, he challenges the Bureau of Prison's ("BOP") security designation with the Public Safety Factor ("PSF") Sex Offender. (Id.) Petitioner contends that the designation of the sex offender PSF has rendered him ineligible for home confinement or compassionate release under the First Step Act. (Pet., Dkt. No. 3; Mot. for Reconsideration, Dkt. No. 4.)

By Opinion and Order dated January 24, 2020, this Court dismissed the petition, based on Circuit precedent that a prisoner lacks a due process liberty interest in transfer to a minimum security camp when the BOP has erroneously applied a security classification. In his motion for reconsideration, Petitioner presents an issue of first impression of whether removal of the PSF, if erroneous, would affect the execution of his sentence by making him eligible for home confinement or whether it would affect the duration of his sentence by making him eligible for compassionate release under the First Step Act. Therefore, the Court will grant reconsideration, vacate the opinion and order of dismissal and order Respondent to file an answer to the petition.

IT IS therefore on this 3rd day of September 2020,

ORDERED that Petitioner's motion for reconsideration (Dkt. No. 4) is **GRANTED**; the Opinion and Order dated January 24, 2020 are vacated (Dkt. Nos. 2, 3); and it is further

ORDERED that the Clerk shall serve a copy of the petition (Dkt. No. 1) and this Order upon Respondent, the warden of FCI-Fort Dix, by regular mail with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (Dkt. No. 1) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this Order, Respondent shall file and serve an Answer which responds to the allegations and grounds in the petition and which includes all affirmative defenses Respondent seeks to invoke; and it is further

ORDERED that Respondent shall file and serve with the Answer certified copies of all documents necessary to resolve Petitioner's claims and affirmative defenses; and it is further

ORDERED that within forty-five (45) days of receipt of the Answer, Petitioner may file a Reply to the Answer; and it is further

ORDERED that within seven (7) days of Petitioner's release, be it parole or otherwise, Respondent shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum and Order upon Petitioner by regular U.S. mail.

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE